

DAC / \$ / JMW

PATENT
Customer No. 22,852
Attorney Docket No. 09314-0006-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
NOWAK et al.) Group Art Unit: 2874
)
Application No.: 09/936,469) Examiner: Tina M. LIN
)
371 Date: February 13, 2002) Confirmation No. 4221
)
For: FIBER TRANSMISSION ELEMENT)
FOR GENERATING A CHROMATIC)
DISPERSION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

05/09/2005 SZEWDIE2 00000050 09936465
01 FC:1455

200.00 OP

Sir:

**REQUEST FOR RECONSIDERATION OF PATENT TERM
ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)**

In accordance with 37 C.F.R. § 1.705, Applicant hereby request reconsideration of the patent term adjustment of zero(0) days indicated on Determination of Patent Term Adjustment under 35 U.S.C. 154(b) form issued on February 7, 2005 in the above-referenced U.S. patent application. Specifically, as described below, this patent application is entitled to 140 days of additional patent term. As required by 37 C.F.R. §§ 1.705(b)(1), this Request is accompanied by a fee of \$200.00 set forth in 37 C.F.R. § 1.18(e).

The application has a filing date of February 13, 2002. The first office action on the merits in this application was issued on March 18, 2004.

According to 37 C.F.R. 1.703(a)(1) this creates a period of adjustment for "the number of days in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C.

371 and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first.”

As a result, on March 18, 2004 this application was entitled to 340 days of adjustment.

On June 19, 2004 the application became abandoned. On January 5, 2005 the U.S. Patent and Trademark Office issued a decision to grant the Applicants’ petition to revive the application.

According to 37 C.F.R. 1.704(a) “the period of adjustment of the term of a patent under 1.703(a) shall be reduced by a period equal to the period of time during which the applicant failed to engage in reasonable efforts to conclude prosecution of the application.” Under 37 C.F.R. 1.704(c)(3)(i) “a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application include . . . abandonment of the application . . . in which case the period of adjustment set forth in 1.703 shall be the number of days, if any, beginning on the date of abandonment . . . and ending . . . on the date of mailing of the decision reviving the application . . .”

As a result, on January 5, 2005 the patent term adjustment of this application was reduced by 200 days. Therefore, the total patent term adjustment for this application shall be $340 - 200 = 140$ days.

In accordance with 37 C.F.R. §1.705(b)(2)(iv)(B), there was no circumstance, other than discussed above, constituting a failure to engage in reasonable efforts to conclude processing or examination of this application as set forth in 37 C.F.R. §1.704.

In accordance with 37 C.F.R. § 1.705(b)(iii), this application is not subject to a Terminal Disclaimer.

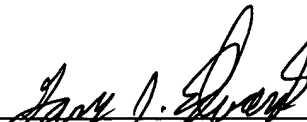
Please grant any extensions of time required to enter this Request and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 5, 2005

By: _____



Gary J. Edwards

Reg. No. 41,008